



**BOARD OF ADJUSTMENT**

**MINUTES**

**October 22, 2020**

The Board of Adjustment of New Castle County held a public hearing on October 22, 2020 utilizing ZOOM Webinar, beginning at 6:00 p.m.

Chairman David H. Burt,  
presiding:

CALL TO ORDER – 6:00 p.m.

**David H. Burt**  
**Terry Parker**  
**William Brooks**  
**Edward Thomas**  
**Izuru Osegbu-Rivers**  
**Richard Farmer**

Comprising a quorum of the Board; also:  
*Aysha Gregory, Esq., Office of Law*  
*Melissa Hughes, Department of Land Use*  
*Conor Gibbons, Department of Land Use*  
*Janet Vinc, Department of Land Use*

MINUTES

PUBLIC HEARING

NEW BUSINESS

The Board heard and received testimony on the following application(s) and took action on the applications as follows:

**1. App. #2020-0537-A – Craig DiSabatino.**

Mr. Burt moved to **Grant** the application; Mr. Parker seconded the motion.

**VOTE: 6-0**

**ACTION: Grant– Area variance:** To construct a dwelling 15 feet from the Clearview Avenue right-of-way (25-foot street yard setback) see UDC Table 40.04.110.B. NC5 Zoning. CD 8. (App 2020-0537-A) TP 06-115.00-137.

**2. App. #2020-0501-A – Greg Feld-KC Signs Co.**

Mr. Brooks moved to **Grant** the application; Mr. Parker seconded the motion.

**VOTE: 6-0**

**ACTION: Grant– Area variances: 1.** To permit 1 additional identification sign (1 wall or ground

identification sign permitted) see UDC Table 40.06.060. **2.** To permit a 69 square foot wall identification (20-square foot maximum sign area) see UDC Table 40.06.060. S Zoning. CD 8. (App 2020-0501-A) TP 06-034.00-184.

**3. App. #2020-0502-A – Greg Feld-KC Signs Co.**

Mr. Parker moved to **Grant** the application; Mr. Brooks seconded the motion.

**VOTE: 6-0**

**ACTION: Grant– Area variances: 1.** To permit a ground sign with a 30 square foot EVMS (Electronic Variable Message Sign) portion 0 feet from the Newport Gap Pike right-of-way (25-foot setback for ground sign under 50 square feet) see UDC Table 40.06.060. **2.** To permit an EVMS sign 65 feet from a residential use (EVMS signs shall not be located within 75 of any residential use) see UCD Section 40.06.030.B.6. CN Zoning. CD 1. (App 2020-0502-A) TP 07-041.20-033.

**4. App. #2020-0534-A – Delaware Racing Association.**

Mr. Burt moved to **Grant with Condition** the application; Mr. Paker seconded the motion.

**VOTE: 6-0**

**ACTION: Grant with Condition– Area variances: 1.** To permit 4 ground sign (3 ground signs maximum) see UDC Table 40.06.060. **2.** To permit 2, 184 square foot ground signs with a 50 square foot EVMS (Electronic Variable Message Sign) portions along the Ogletown-Stanton Road right-of-way (150-square foot maximum sign area) see UDC Table 40.06.060. CR Zoning. CD 9. (App 2020-0392-A) TP 09-018.00-001.

**CONDITION: The EVMS digital display on the two (2) existing and the two (2) proposed signs shall be synchronized regarding message and time interval display.**

**5. App. #2020-0539-A – Rojan 586 Polly LLC.**

Mr. Burt moved to **Grant** the application; Mr. Thomas seconded the motion.

**VOTE: 6-0**

**ACTION: Grant– Area variances to facilitate the recordation of a Land Development Plan: 1.** To permit a 0.0 bufferyard opacity along the Linden Hill Road right-of way (0.3 bufferyard opacity) see UDC Table 40.04.111.A. **2.** To permit an ATM machine 4 feet from the Linden Hill Road right-of-way (15-foot building setback) see UDC Table 40.04.110.B. **3.** To maintain paving 0 feet from the Linden Hill Road right-of-way (40-foot street yard paving setback) see UDC Table 40.04.110.B. **4.** To provide 1 stacking space (6 stacking spaces required for drive-in facilities) see UDC Table 40.03.316.3. CN Zoning. CD 3. (App 2020-0539-A) TP 08-042.30-149.

*Melissa A. Hughes*

Melissa Hughes  
Department of Land Use  
2/4/2021